

KEVIN G. HORBATIUK (KGH-4977)  
MATTHEW P. MAZZOLA (MM-7427)  
RUSSO, KEANE & TONER, LLP  
Attorneys for Defendant  
**CUNNINGHAM DUCT WORK s/h/i/a**  
**CUNNINGHAM DUCT CLEANING CO., INC.**  
26 Broadway - 28th Floor  
New York, New York 10004  
(212) 482-0001

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

**IN RE COMBINED WORLD TRADE CENTER  
AND LOWER MANHATTAN DISASTER SITE  
LITIGATION**

**21 MC 103 (AKH)**

---

**BLANCA SAETEROS and DARIO ENCALADA,**

**DOCKET NO:  
08 CV 2305**

Plaintiffs,

-against-

**7 WORLD TRADE COMPANY, L.P., A RUSSO  
WRECKING, INC., ABM INDUSTRIES INC.,  
ABM JANITORAL NORTHEAST, INC., AMEC  
MANAGEMENT, INC., AMEC EARTH  
ENVIRONMENTAL, INC., ANTHONY CORTESE  
SPECIALIZED HAULING LLC., ATLANTIC  
HEYDT CORP., BECHTEL ASSOCIATES PROFESSIONAL  
CORPORATION; BECHTEL CONSTRUCTION, INC.,  
BECHTEL CORPORATION; BECHTEL ENVIRONMENTAL  
INC., BERKEL & COMPANY, CONTRACTORS,  
INC., BIG APPLE WRECKING & CONSTRUCTION CORP.,  
BOVIS LEND LEASE LMB, INC., BREEZE CARTING  
CORP., BREEZE NATIONAL INC., BRER-FOUR  
TRANSPORTATION CORP., BURO HAPOLD  
CONSULTING ENGINEERS, P.C., C.B. CONTRACTING  
CORP., CANRON CONSTRUCTION CORP., CORD  
CONTRACTING CO., INC., DAKOTA DEMO TECH;  
DIAMOND POINT EXCAVATING CORP., DIEGO  
CONSTRUCTION, INC., DIVERSIFIED CARTING, INC.,  
DMT ENTERPRISE, INC., D'ONOFRIO GENERAL  
CONTRACTORS CORP., EAGLE LEASING &  
INDUSTRIAL SUPPLY INC., EAGLE ONE ROOFING**

**NOTICE OF ADOPTION  
OF ANSWER TO  
MASTER COMPLAINT**

CONTRACTORS, INC., ED DAVIES, INC., EN-TECH CORP., EVERGREEN RECYCLING OF CORONA (EROC) EWELL W. FINLEY, P.C., EXECUTIVE MEDICAL SERVICES, P.C, FLEET TRUCKING, INC., FRANCIS A. LEE EXTERIOR RESTORATION; INC., FTI TRUCKING, INC., GILSANZ, MURRAY & STEFICEK LLP., GOLDSTEIN KOCH SKANSKA INC., LAQUILA CONSTRUCTION INC., LASTRADA GENERAL GENERAL CONTRACTING CORP., LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS, P.C., LIBERTY MUTUAL GROUP; LOCKWOOD, KESSLER & BARTLESS, INC. LUCIUS PITKIN, INC., LZA TECH-DIV OF THORTON TOMASTEEI, MANAFORT BROTHERS INCORPORATED; MAZZOCCHI WRECKING INC., HUDSON MERIDIAN CONSTRUCTION GROUP; LLC F/K/A MERIDIAN CONSTRUCTION CORP., MORETRENCH AMERICAN CORP., MRA ENGINEERING, P.C., MUESER RUTLEDGE CONSULTING ENGINEERS, INC., NACIREMA INDUSTRIES INCORPORATED; NEW YORK CRANE & EQUIPMENT CORP., NICHOLSON CONSTRUCTION COMPANY; PETER SCALAMANDRE & SONS, INC., PINNACLE ENVIRONMENTAL CORP., PLAZA CONSTRUCTION CORP., PLAZA CONSTRUCTION CORP., PRO SAFETY SERVICES, LLC.; PT & L CONTRACTING CORP., ROBERT SILMAN ASSOCIATES, ROBERT L. GEROSA, INC., RODAR ENTERPRISES, INC., ROYAL GM, INC., SAB TRUCKING INC., SAFEWAY ENVIRONMENTAL CORP., SEASONS INDUSTRIAL CONTRACTING; SEMCOR EQUIPMENT & MANUFACTURING CORP., SILERITE CONTRACTING CORPORATION; SIMPSON GUMPERTZ & HEDGER, INC., SKIDMORE, OWING & MERRILL LLP; SURVIAIR, TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN; TISHMAN CONSTRUCTION CORPORATION OF NEW YORK; TISHMAN INTERIORS CORPORATION; TISHMAN SPEYER PROPERTIES; THORTON-TOMASETTI, GROUP, INC., TORRETTA TRUCKING, INC., TOTAL SAFETY CONSULTING, LLC., TUCCI EQUIPMENT RENTAL CORP., TULLY CONSTRUCTION CO., INC., TURNER CONSTRUCTION COMPANY; ULTIMATE DEMOLITION CS HAULING (JOINT VENTURE); VOLLMER

**ASSOCIATES LLP., WEEKS MARINE INC., WEIDLINGER  
ASSOCIATES, CONSULTING ENGINEERS, P.C., WHITNEY  
CONTRACTING INC., WOLKOW-BRAKER ROOKING  
CORP., WORLD TRADE CENTER PROPERTIES, LLC.,  
WSP CANTOR SEINUK, YANUZZI & SONS, INC., YONKERS  
CONTRACTING COMPANY, INC., YORK  
HUNTER CONSTRUCTION, LLC., ZIEGENFUSS  
DRILLING, INC.,**

**OFF SITE:**

**100 CHURCH, LLC, 90 CHURCH STREET  
LIMITED PARTNERSHIP, AMBIENT GROUP, INC.,  
BANKERS TRUST COMPANY, BELOR  
USA GROUP, INC., BOSTON PROPERTIES, INC.,  
BT PRIVATE CLIENTS CORP., CUNNINGHAM  
DUCT CLEANING CO., INC., DEUTSCHE  
BANK TRUST COMPANY, DEUTSCHE  
BANK TRUST COMPANY AMERICAS,  
DEUTSCHE BANK TRUST CORPORATION,  
GPS ENVIRONMENTAL CONSULTANTS, INC.,  
HILLMAN GROUP, LLC., INDOOR ENVIRONMENTAL  
TECHNOLOGY, INC., LAW ENGINEERING, P.C.,  
MERRILL LYNCH & CO., INC. ROYAL AND  
SUNALLIANCE INSURANCE GROUP, STRUCTURE  
TONE (UK), INC., STRUCTURE TONE GLOBAL  
SERVICES, INC., THE BANK OF NEW YORK  
TRUST COMPANY, N.A., TISHMAN INTERIORS  
CORPORATION, TRC ENGINEERS, INC.,  
TULLY CONSTRUCTION CO., INC., TULLY  
INDUSTRIES, INC., VERIZON NEW YORK, INC.,  
and ZAR REALTY MANAGEMENT CORP., et al.**

**Defendants.**

-----X

**PLEASE TAKE NOTICE, that defendant CUNNINGHAM DUCT WORK s/h/i/a  
CUNNINGHAM DUCT CLEANING CO., INC. ("CUNNINGHAM"), by its attorneys, RUSSO,  
KEANE & TONER, LLP, as and for its Response to the allegations set forth in the Complaint by  
Adoption (Check-Off-Complaint) Related to the Master Complaint filed in the above referenced  
action, hereby adopt their Answer to Master Complaint dated, August 1, 2007, which was filed in**

the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

**WHEREFORE**, the defendant, CUNNINGHAM demands judgment dismissing the above captioned caption action as against it, together with its costs and disbursements and for such other and further relief as this Court deems just and proper.

Dated: New York, New York

May 5, 2008

Kevin G. Horbatiuk

Kevin G. Horbatiuk (KGH4977)

Matthew P. Mazzola (MM7427)

Attorneys for Defendant

**CUNNINGHAM DUCT WORK s/h/i/a**

**CUNNINGHAM DUCT CLEANING**

**CO., INC.**

RUSSO, KEANE & TONER, LLP

26 Broadway, 28th Floor

New York, New York 10004

(212) 482-0001

RKT File No. 824.078

TO: CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiffs  
**BLANCA SAETEROS and DARIO ENCALADA,**  
115 Broadway 12th Floor  
New York, New York 10006  
(212) 267-3700

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following listed person by placing a copy of the same in the United States mail, postage prepared and properly addressed, this the 5<sup>th</sup> day of May, 2008.

CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiffs  
**BLANCA SAETEROS and DARIO ENCALADA,**  
115 Broadway 12th Floor  
New York, New York 10006

  
**KEVIN G. HORBATIUK**